

DPR MODIFIED PROMESA B1040 (FORM 1040) (05/17)

PROMESA COVER SHEET (Instructions on Reverse)		CASE NUMBER (Court Use Only)
PLAINTIFFS (DEBTOR, if Title III Petition; ISSUER, if Title VI Application) HON. RAFAEL HERNÁNDEZ- MONTAÑEZ, in his official capacity as Speaker of the Puerto Rico House of Representatives		DEFENDANTS HON. PEDRO PIERLUISI-URRUTIA, in his official capacity as Governor of the Commonwealth of Puerto Rico; PUERTO RICO FISCAL AGENCY AND FINANCIAL ADVISORY AUTHORITY; THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD OF PUERTO RICO; HON. FRANCISCO ROSADO-COLOMER, in his official capacity as President of the Puerto Rico State Elections Commission; FRANCISCO PARES-ALICEA, in his official capacity as Secretary of the Puerto Rico Treasury <small>Department:</small>
ATTORNEYS (Firm Name, Address, and Telephone No.) M.L. & R.E. LAW FIRM Cobian's Plaza, Suite 404 1607 Ponce De León Ave. San Juan, Puerto Rico 00909 Phone (787) 999-2972	ATTORNEYS (If Known)	
PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> Creditor <input type="checkbox"/> Trustee <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input checked="" type="checkbox"/> Other	PARTY (Check One Box Only) <input type="checkbox"/> Debtor Text <input type="checkbox"/> Creditor <input type="checkbox"/> Trustee <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Other	
CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED) Declaratory judgement to establish that Section 202 of PROMESA, 48 U.S.C. § 2142, preempts any inconsistent Puerto Rico laws with regards to how budgets are approved for a covered territorial entity such as the Commonwealth and Section 204(c) of that same statute, 48 U.S.C. § 2144(c), preempts any inconsistent Puerto Rico laws with regards as to how budgets may be readjusted after they are already in effect. Applicable statutes: 28 U.S.C. § 1331; 48 U.S.C. § 2166; U.S. Const. Art. VI, Cl. 2; 48 U.S.C. § 2103; 48 U.S.C. § 2144(a); 48 U.S.C. § 2192		
NATURE OF SUIT		
<input type="checkbox"/> PROMESA Title III Petition <input type="checkbox"/> PROMESA Title VI Application for Approval of Modifications <input type="checkbox"/> Other Federal Question <input checked="" type="checkbox"/> Adversary Proceeding <input type="checkbox"/> Demand \$ _____		
<i>If Adversary Proceeding is checked, number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc., below:</i>		
FRBP 7001(1) – Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property – other	FRBP 7001(7) – Injunctive Relief <input type="checkbox"/> 71-Injunctive relief - imposition of stay <input checked="" type="checkbox"/> 72-Injunctive relief - other	
FRBP 7001(2) - Validity, Priority or Extent of Lien <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property	FRBP 7001(8) Subordination of Claim or Interest <input type="checkbox"/> 81-Subordination of claim or interest	
FRBP 7001(5) – Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation	FRBP 7001(9) Declaratory Judgment <input checked="" type="checkbox"/> 91-Declaratory judgment	
FRBP 7001(10) Determination of Removed Action <input type="checkbox"/> 01-Determination of removed claim or cause		
Other <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)		
TITLE III CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR The Financial Oversight and Management Board	CASE NO. 17-3283	
DISTRICT IN WHICH CASE IS PENDING Puerto Rico	DIVISION OFFICE San Juan	NAME OF JUDGE Hon. Laura Taylor Swain

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RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH CASE IS PENDING		DIVISION OFFICE
SIGNATURE OF ATTORNEY (OR PLAINTIFF)		
DATE	PRINT NAME OF ATTORNEY (OR PLAINTIFF)	
April 20, 2021	Jorge Martínez-Luciano	

THIS FORM IS TO BE USED EXCLUSIVELY FOR FILINGS RELATING TO THE PUERTO RICO OVERSIGHT MANAGEMENT AND ECONOMIC STABILITY ACT (PROMESA). FOR ADMINISTRATION PURPOSES ONLY, THE PUBLIC DOCKETS FOR PROMESA PROCEEDINGS UNDER TITLE III AND ADVERSARY PROCEEDINGS WILL BE MAINTAINED ON THE CASE MANAGEMENT/ELECTRONIC CASE FILING (CM/ECF) SYSTEM OF THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF PUERTO RICO. THESE CASES ARE UNDER THE JURISDICTION OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO.